IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1600 (S/S) of 2005

Kailash Chandra,
Son of Sri Manohari Lal,
resident of Village – Kandara,
Patwari Circle Chandrapuri,
District – Rudraprayag. …….. Petitioner.

Versus.

1. State of Uttaranchal through Secretary, Education, Civil Secretariat, Uttaranchal Dehradun.
2. District Education Officer, Chamoli.
3. Head Master, Junior High School, Gairoli, Karanprayag, District – Chamoli.

…… Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri R.P. Nautiyal, learned counsel for the petitioner and learned standing counsel for respondents.

By means of this writ petition, the petitioner has challenged the transfer order dated 30.06.2005 passed by District Education Officer, Chamoli by which the petitioner has been transferred from Junior High School, Gairoli, Karanprayag to Junior High School, Ban, Dewal.

The submission of the petitioner is that earlier the petitioner was transferred from Primary School, Diyarkot, Karanprayag to Primary School, Gairoli, Karanprayag. In pursuance to the transfer order, petitioner has joined his duties on dated 15.04.2005 in Primary School, Gairoli, Karanprayag, District – Chamoli and after two months, petitioner has again been transferred by the District Education Officer, Chamoli from present place of posting i.e. Gairoli to Ban, Deval by order dated 30.06.2005.

Aggrieved by the said transfer order, petitioner has filed representations dated 08.07.2005 and 25.07.2005 before District Education Officer, Chamoli.

Learned counsel for the petitioner has submitted that petitioner has yet not been relieved from the present place of posting and his aforesaid representations are still pending before District Education Officer, Chamoli. Petitioner has two children aged about 4 year and 6 year and his wife is also a Government Teacher in Pudiyani, which is two kilometers away from Gairoli. Junior High School, Ban, Deval is 140 kilometers away from Gairoli and in case, the petitioner is compelled to join at Junior High School, Ban, Deval, he will have to face a lot of difficulties.

In view of above, I think it just and proper to direct the District Education Officer, Chamoli to decide the petitioner's representation dated 25.07.2005 within a period of two weeks from the date of production of certified copy of this order and petitioner is also directed to produce the certified copy of this order before District Education Officer, Chamoli within a period of two weeks from today. Till the final decision is taken on the petitioner's representation, petitioner shall not be relieved from Gairoli, in case, petitioner has not already been relieved.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

October 28, 2005
SK Sharma